

May 2, 2002

Mr. William J. Mueller
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 02-08: 79 N. Lincoln Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioners request that the Village take the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.406 (F) (2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback to fourteen feet (14') where twenty feet (20') is required; and
2. A variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to thirty feet (30') where thirty-five feet (35') is required.

The petitioner, Jeanne Valesh, 712 W. Merle Street, Villa Park, stated that they wish to tear down the existing home and garage on their property and construct a new, two-story single-family home. The house will be similar to others on the 100 block of North Lincoln Avenue and will be constructed in a Victorian style. Ms. Valesh stated that she has owned the property since 1990 and has rented it out for the past 11 years. Her family wishes to move to Lombard to take advantage of the Lombard schools and to be closer to their business, which is located in town. She stated that they have encountered a number of difficulties in redeveloping this lot including lot size, street configuration, and utility poles.

Chairperson DeFalco then opened the meeting for public comment.

Norman Newton, 71 N. Lincoln, stated that his property is immediately south of the petitioners. He would like to make sure that the petitioners' house is in line with the other houses on Lincoln. He stated he had no objection to the corner side yard variation as it would not impact his property and asked what the rear yard setback is on the existing house.

The petitioner stated that the current rear yard setback is 30 feet, which is the same as the proposed new construction.

John Peters, 57 N. Lincoln, stated that he had concerns about drainage problems in the area. The petitioners' property is the low spot in the neighborhood and there are already significant flooding problems on several properties. He asked how drainage would be affected by building such a large house on a small lot and stated that he is worried about losing open space.

The petitioner stated that there would be more green space when the property is redeveloped and added that they were unaware of any drainage issues.

Jennifer Backensto, Planner I/Civil Engineering Technician, then presented the staff report. She stated that the subject property is at the southeast corner of the intersection of Lincoln Avenue and Grove Street. The petitioners rent out the single-family house and detached garage that currently exist on the property. The petitioners propose to demolish the existing home and construct a new single-family home that they will reside in. Although they have not decided on a particular house, they state that any house they choose will require a building footprint of 54 feet by 40 feet. The required setbacks on this lot only would only permit a footprint of 49 feet by 35 feet; therefore, a variation is requested.

Ms. Backensto summarized the comments from Private Engineering Services. PES stated that there would be in excess of 500 new square feet of impervious surface created. The petitioner will most likely be required to construct a swale or ditch to the street having a continuous 1% minimum slope to comply with the infill detention ordinance.

She then stated that there were no comments from Public Works Engineering, Fire, or Building regarding the petition.

Ms. Backensto then summarized comments from Planning. This petition is in compliance with the Comprehensive Plan recommendations of low-density residential uses (primarily detached single-family dwellings) at this location. There is not a precedent for zoning relief with regard to building setbacks in this neighborhood. A comprehensive review of all single-family residences in the five blocks surrounding the petitioners' property revealed 8 cases in which zoning relief was granted: 6 detached garages less than 6 feet from the lot line, 1 stormwater variation, and one variation to allow a 29' front yard.

With regard to the requested rear yard setback relief, Ms. Backensto noted that this lot is not typical of most single-family lots in Lombard in that it is only 100 feet deep. When the front and rear yard setbacks are applied to this property, the allowable building area is notably less than that on a typical 60-foot by 125-foot single-family lot. Staff therefore could be

conceptually supportive of the requested rear yard variation, particularly as the proposed improvements would decrease the overall bulk on the east side of the subject property. However, the petitioners should be made aware that prior to any construction on this lot, they will need to submit a Plat of Subdivision.

Ms. Backensto stated that the petitioners wish to construct a house that will be compatible with the surrounding neighborhood, particularly the 100 block of North Lincoln Avenue. Staff has researched the properties on the petitioners' block along with several properties on Grove Street immediately surrounding the petitioners' lot. She then referred to Appendix A of the staff report. The information in Appendix A indicates that although the petitioners have one of the smaller lots in the neighborhood, the proposed 54-foot wide house will have a significantly greater presence on Lincoln Avenue than the majority of the existing homes.

Ms. Backensto stated that at 75 feet, the lot is considerably wider than the majority of single-family lots. There are a number of 60-foot wide corner lots throughout the Village that are able to construct houses that do not require any zoning relief. Ms. Backensto referred the ZBA members to Appendix B of the staff report. In the past five years, there have been only 9 single-family properties that have requested relief from the corner side yard setback requirements. Although the petitioners state that their lot width is inadequate for the house they wish to build, they have not demonstrated any hardship as defined by the Zoning Ordinance. A single-family home with a footprint of 1,715 square feet could be constructed on the property without the need for any variations. As the hardship in this case is of a personal nature and is not caused by the Ordinance, staff cannot support the request for a corner side yard variation.

Ms. Backensto stated that the corner side yard setback variation request does not meet the Standards for Variation. Overall, staff feels that the variation to the corner side yard setback would have a negative impact on the neighborhood. Therefore, in review of the entire plan, staff recommends denial of the petition.

Chairperson DeFalco then opened the meeting for discussion and questions by the Board Members.

Ms. Newman noted that there was a letter attached to PC 02-07 from residents of 212 W. Grove that object to the petition. She asked if staff supports either of the requested variations.

Ms. Backensto stated that staff could be supportive of the rear yard variation.

Ms. Newman asked whether or not the house would be in line with the other houses on Grove.

Ms. Backensto stated that the requested relief would bring the petitioners' house closer to the street than the existing homes.

The petitioner stated despite the reduced setback, the house will not cause line of sight problems. She stated that the way Grove curves by their property the house will not stick out as much when viewed from the west.

Mr. Young stated that he did not recall any builders requesting variations of this type, so they must be building homes that meet the required setbacks. Although the petitioners are building a house to live in, as opposed to a builder constructing the home for a profit, granting this variation could send a message to others. It would set an unwanted precedent for granting this type of relief to anyone.

The petitioners, Robert Valesh, stated that although the house will be wider than most others on Lincoln, it will not be as deep.

Chairperson DeFalco stated that there is a house at 74 N. Lincoln that is also on a 75-foot wide lot that is 59 feet wide. The difference is that it is on an interior lot. Although the petitioners' house would be 5 feet smaller, it has greater restrictions upon it due to its location on a corner property.

The petitioner, Jeanne Valesh, stated that the other properties in the area have a median depth of 150 feet. They do not feel they are asking for anything extreme and stated that they will not have the largest home on the block.

Chairperson DeFalco stated that the petitioners' lot is much smaller than the others in the neighborhood, approximately half the size of the lot immediately south of it. With that in mind, there may be some unique issues with attempting to build a house on this lot that would be of the same size as the houses on much larger lots.

Mr. Young asked if the petitioners had decided on a building plan or footprint.

The petitioner stated that they had not, but the house would be the maximum of whatever the ZBA approved.

Mr. Young asked where they would locate the house if they chose one with a smaller footprint.

Chairperson DeFalco asked if it would be better to require the house to be located along the interior side yard setback.

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Mr. Young stated that type of requirement might get cumbersome. He added that it seems strange to consider granting a variation when the footprint is unknown.

The petitioner stated that they don't want to pay to have plans drawn up until the variations are either granted or denied.

Chairperson DeFalco asked the petitioners if they would hold the 6-foot interior side yard setback if the house they chose came in at 52 feet wide, thereby minimizing the corner side yard intrusion.

The petitioner said they could do that.

Chairperson DeFalco asked if the ZBA members would like to vote on the variations together or independently.

Mr. Young stated that it would only make sense to vote on them together.

There being no further questions or discussion from the Board Members, Mr. Young made a motion to approve the petition, which was seconded by Ms. Suta.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation for **approval**. The roll call vote was 5-0 to approve ZBA 02-08.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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